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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/797,210	03/10/2004	Mark R. Adler	042933/273558	4173

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ALSTON & BIRD LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE, NC 28280-4000

EXAMINER	
NGUYEN, TU X	
ART UNIT	**PAPER NUMBER**
2618	

MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/797,210	ADLER, MARK R.	
	Examiner	Art Unit	
	TU X. NGUYEN	2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 May 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-28* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-28* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *3/10/04* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-28 rejected under 35 U.S.C. 102(b) as being anticipated by Black et al. (US Pub. 2005/0038660).

Regarding claims 1-28, Black et al. disclose an apparatus comprising:

a processing element configured to send audio to a mobile terminal over an audio channel (see par.024), wherein the audio selectively comprises at least one of voice communication or at least one coded tone (see par.029), the at least one coded tone being representative of at least one separate multimedia object (see par.029), and wherein the processing element is configured to send the audio such that, when the audio comprises at least one coded tone, the mobile terminal is configured to decode the at least one coded tone to thereby identify the at least one multimedia object represented by the at least one coded tone, and thereafter present the identified at least one multimedia object (see par.049-060).

Regarding claims 2, 8, 14 and 20, Black et al. disclose the processing element is configured to send audio to the mobile terminal during an exchange of audio communication between the processing element and the mobile terminal over the audio channel (see par.052).

Regarding claims 3, 9, 15 and 21, Black et al. disclose the processing element is further configured to present at least one multimedia object as audio communication is exchanged with the mobile terminal, and wherein the processing element is configured to send to the mobile terminal at least one coded tone representative of the at least one multimedia object presented at the processing element (see par.029).

Regarding claims 4, 10, 16 and 22, Black et al. disclose the processing element is configured to send the at least one coded tone representative of the at least one multimedia object presented by the processing element in response to presenting the at least one multimedia object (see par.029).

Regarding claims 5, 11, 17-18 and 23-24, Black et al. disclose the processing element is configured to send the audio to the mobile terminal such that, when the audio comprises at least one coded tone, the mobile terminal is configured to retrieve, from memory, the identified at least one multimedia object before presenting the identified at least one multimedia object (see par.067).

Regarding claims 6 and 12, Black et al. disclose the processing element is configured to send at least one multimedia object to the mobile terminal over a data channel before sending audio to the mobile terminal over the audio channel, the received at least one multimedia object including the identified at least one multimedia object (see par.069).

Regarding claim 7, Black et al. disclose a controller configured to receive audio over and an audio channel, wherein the audio selectively comprises at least one of voice communication or at least one coded tone, the at least one coded tone being representative of at least one separate multimedia object, wherein the controller is configured to

communicate with a synchronization agent such that, when the audio comprises at least one coded tone, the synchronization agent is configured to decode the at least one coded tone to thereby identify the at least one multimedia object represented by the at least one coded tone, and thereafter present the identified at least one multimedia object (see par.029, 049-60).

Regarding claim 13, Black et al. disclose a method of synchronizing at least one distributively presented multimedia object, the method comprising: receiving audio at a mobile terminal over an audio channel, wherein the audio selectively comprises at least one of voice communication or at least one coded tone, the at least one coded tone being representative of at least one separate multimedia object; and when the audio comprises at least one coded tone, decoding the at least one coded tone to thereby identify the at least one multimedia object represented by the at least one coded tone; and driving the mobile terminal to present the identified at least one multimedia object (see par.029, 049-60).

Regarding claim 19, Black et al. disclose a computer program product for synchronizing at least one distributively presented multimedia object, the computer program product comprising at least one computer-readable storage medium having computer-readable program code portions stored therein, the computer-readable program code portions comprising: a first executable portion configured to receive audio at a mobile terminal over an audio channel, wherein the audio selectively comprises at least one of voice communication or at least one coded tone, the at least one coded tone being representative of at least one separate multimedia object; and when the audio comprises at least one coded tone, a second executable portion configured to decode the at least one coded tone to thereby identify the at

least one multimedia object represented by the at least one coded tone; and a third executable portion configured to drive the mobile terminal to present the identified at least one multimedia object (see par.029, 046, 049-60).

Regarding claims 25-28, Black et al. disclose the processing element is configured to send the audio to the mobile terminal for output by the mobile terminal, the mobile terminal including an audio sensor enabling detection of whether the audio includes the at least one coded tone as the mobile terminal outputs the audio (see par.025).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed Tu Nguyen whose telephone number is 571-272-7883.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban, can be reached at (571) 272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Tu X Nguyen/

Patent Examiner, Art Unit 2618

6/20/08